

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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IRENE BYRD,	)	
	)	
Charging Party,	)	Cause No. 0041010806
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
SODEXHO, INC.	)	
	)	
Respondent.	)	

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On June 28, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party, Irene Byrd, filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on September 23, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Byrd's assertion that she had been discriminated based on age by her former employer, Respondent, Sodexho, Inc.<sup>1</sup>

After careful and due consideration, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. 24.9.1714(3), ARM.

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. § 49-2-509(5), MCA (2003); 24.9.1714(5), ARM. If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission adopts the findings of the Human Rights Bureau and the notice of

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<sup>1</sup> In Byrd's objection to the Commission she disputes filing a complaint on the basis of age, however, paragraph III of Byrd's complaint alleges discrimination in the area of employment based on age.

dismissal is affirmed.

Dated this \_\_\_\_\_ day of October 2004.

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Mr. Gary Hindoien, Chair  
Montana Human Rights Commission

### **CERTIFICATE OF SERVICE**

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on October\_\_\_\_ 2004.

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